

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANTOINE HARRIS, *et al.*,

Plaintiffs,

vs.

DENISE GERTH, *et al.*,

Defendants.

---

Case No. 08-12374

Robert H. Cleland  
United States District Judge

Michael Hluchaniuk  
United States Magistrate Judge

**ORDER DENYING PLAINTIFF GORDON'S AND  
PLAINTIFF MASSEY'S MOTION FOR RECONSIDERATION**

This is a civil rights action filed under 42 U.S.C. § 1983 by multiple plaintiffs who are in the custody of the Michigan Department of Corrections. (Dkt. 1). At the time they filed the petition, plaintiffs did not pay the filing fee nor did they file individual applications to proceed *in forma pauperis* as required by 28 U.S.C. § 1915(a). On June 19, 2008, pursuant to 28 U.S.C. § 1915(a), District Judge Robert H. Cleland issued an Order allowing 30 days for each plaintiff to file a motion to proceed *in forma pauperis*, affidavit of indigence, and a certified copy of the prisoner's trust fund account statement for the preceding six months. (Dkt. 4) (June 19, 2008 Order). On August 6, 2008, Judge Cleland issued an Order dismissing certain plaintiffs for failing to comply with the June 19, 2008 Order,

including plaintiff Lee Massey, and granting *in forma pauperis* status to the plaintiffs who complied with the June 19, 2008 Order. (Dkt. 36). Plaintiff DeLauren Gordon was not included in either group of plaintiffs. *Id.* This case was referred, for all pre-trial matters, to the undersigned Magistrate Judge on August 14, 2008. (Dkt. 40).

Plaintiffs Gordon and Massey filed a motion for reconsideration of Judge Cleland's August 6, 2008 Order, stating that they submitted the required motion to proceed *in forma pauperis* and supporting documents to prison officials but that they were not granted *in forma pauperis* status in Judge Cleland's August 6, 2008 Order. (Dkt. 65). Plaintiff Gordon previously filed a letter with the Court, explaining his situation, and was already granted additional time to file his application to proceed *in forma pauperis* and supporting documents. (Dkt. 61, 74). Thus, the motion for reconsideration as to plaintiff Gordon is **DENIED** as **MOOT**.

The Court has no record of having received plaintiff Massey's motion to proceed *in forma pauperis* or the supporting documents. In his motion, plaintiff Massey refers to an exhibit purportedly establishing that he previously attempted to file his *in forma pauperis* application. (Dkt. 65). However, no such exhibit is attached to his submission. *Id.* Plaintiff Massey's motion is unlike plaintiff Gordon's detailed account of completing the motion to proceed *in forma pauperis*,

obtaining the necessary supporting documents, and submitting the package to a prison official for mailing, which this Court found to be credible and which provided a basis for the Court to enlarge the time for plaintiff Gordon to submit his application. (Dkt. 61, 74). There is no such credible accounting or evidence supporting plaintiff Massey's motion for reconsideration. Accordingly, the Court declines to extend the time for plaintiff Massey to submit a motion for *in forma pauperis* status and his motion for reconsideration is **DENIED**.

**IT IS SO ORDERED.**

The parties to this action may object to and seek review of this Order, but are required to file any objections within 10 days of service as provided for in 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). A party may not thereafter assign as error any defect in this Order to which timely objection was not made.

Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), any objections must be served on this Magistrate Judge.

Date: September 5, 2008

s/Michael Hluchaniuk  
Michael Hluchaniuk  
United States Magistrate Judge

## **CERTIFICATE OF SERVICE**

I certify that, on September 5, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send electronic notification to the following: Christine M. Campbell. I also certify that I have mailed, by United States Postal Service, the foregoing paper to the following non-ECF participants\*\*:

**Stephanale Adams, # 229338**

Macomb Correctional Facility  
34625 26 Mile Road  
New Haven, MI 48048

**Andy Anderson, # 494273**

Alger Maximum Correctional Facility  
Industrial Park Drive  
P.O. Box 600  
Munising, MI 49862

**Jeffery Buhovecky, # 325635**

Alger Maximum Correctional Facility  
Industrial Park Drive  
P.O. Box 600  
Munising, MI 49862

**Jeffrey Carney, # 188923**

Marquette Branch Prison  
1960 U.S. Hwy 41 South  
Marquette, MI 49855

**Andre Coleman, # 173324\*\***

Marquette Branch Prison  
1960 U.S. Hwy 41 South  
Marquette, MI 49855

**Lorenzo Anthony, # 247064**

Standish Maximum Correctional Facility  
4713 West M-61  
Standish, MI 48658

**Julius Bannerman, # 196416**

Alger Maximum Correctional Facility  
Industrial Park Drive  
P.O. Box 600  
Munising, MI 49862

**Serrell Butts, # 360595**

Alger Maximum Correctional Facility  
Industrial Park Drive  
P.O. Box 600  
Munising, MI 49862

**Usamah Carswell, # 256679**

Huron Valley Complex Men's  
3201 Bemis Road  
Ypsilanti, MI 48197

**Andre Coleman, # 173324\*\***

Alger Maximum Correctional Facility  
Industrial Park Drive  
P.O. Box 600  
Munising, MI 49862

**William Echols, # 249166**

Alger Maximum Correctional Facility  
Industrial Park Drive  
P.O. Box 600  
Munising, MI 49862

**Delauren Gordon, # 259187**

Alger Maximum Correctional Facility  
Industrial Park Drive  
P.O. Box 600  
Munising, MI 49862

**Eugene Humbert, # 272728\*\***

Alger Maximum Correctional Facility  
Industrial Park Drive  
P.O. Box 600  
Munising, MI 49862

**Edward Hairston, # 276060**

Alger Maximum Correctional Facility  
Industrial Park Drive  
P.O. Box 600  
Munising, MI 49862

**Johnny Jackson, # 243915**

Alger Maximum Correctional Facility  
Industrial Park Drive  
P.O. Box 600  
Munising, MI 49862

**James Lindsey, # 256676\*\***

Alger Maximum Correctional Facility  
Industrial Park Drive  
P.O. Box 600  
Munising, MI 49862

**Curtis Fuller, # 211080**

Marquette Branch Prison  
1960 U.S. Hwy 41 South  
Marquette, MI 49855

**Antoine Harris, # 374671**

Alger Maximum Correctional Facility  
Industrial Park Drive  
P.O. Box 600  
Munising, MI 49862

**Eugene Humbert, # 272728\*\***

Ionia Maximum Correctional Facility  
1576 W. Bluewater Hwy  
Ionia, MI 48846

**Tyrone Jackson, # 226967**

Alger Maximum Correctional Facility  
Industrial Park Drive  
P.O. Box 600  
Munising, MI 49862

**William Little, # 203715**

Alger Maximum Correctional Facility  
Industrial Park Drive  
P.O. Box 600  
Munising, MI 49862

**James Lindsey, # 256676\*\***

Baraga Maximum Correctional Facility  
13924 Wadaga Road  
Baraga, MI 49908-9204

**Jeremy Mosely, # 281663**

Alger Maximum Correctional Facility  
Industrial Park Drive  
P.O. Box 600  
Munising, MI 49862

**Leon Percival, # 220239**

Alger Maximum Correctional Facility  
Industrial Park Drive  
P.O. Box 600  
Munising, MI 49862

**Darren Patton, # 423237**

Alger Maximum Correctional Facility  
Industrial Park Drive  
P.O. Box 600  
Munising, MI 49862

**Randolph Reed, # 400534**

Alger Maximum Correctional Facility  
Industrial Park Drive  
P.O. Box 600  
Munising, MI 49862

\*\* Plaintiffs, Andre Coleman, Eugene Humbert, and James Lindsey are being served at both the address reflected on the Court's docket and the address reflected on the Michigan Department of Corrections prisoner tracking system website.

s/James P. Peltier  
Courtroom Deputy Clerk  
U.S. District Court  
600 Church Street  
Flint, MI 48502  
(810) 341-7850  
pete\_peltier@mied.uscourts.gov